

TENNESSEE REGULATORY AUTHORITY

Melvin Malone, Chairman
Lynn Greer, Director
Sara Kyle, Director



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Nashville, Tennessee 37243-0505

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DEC 29 1999

TN REGULATORY AUTHORITY

MEMORANDUM

TO: Chairman Melvin Malone
Director Lynn Greer
Director Sara Kyle
David Waddell, Executive Director

FROM: Joe Werner, Chief *JW 12.9.*
Telecommunications Division

Gary Hotvedt, Counsel *GKH*
Legal Division

DATE: December 29, 1999

RE: Show Cause of Termination Provisions in BellSouth's Tariffs

98-00559

In the "CSA Docket", the Pre-Hearing Officer concluded that "the Authority should open a separate docket for the purpose of initiating a show cause action addressing whether the termination liability provisions in the existing tariffs (GSST and PLST) of BellSouth are punitive in nature and have an anti-competitive impact on the local telecommunications market."¹ On July 13, 1999, the Authority authorized such an investigation.

A team consisting of Gary Hotvedt, Chris Klein, Joe Shirley and Joe Werner has been conducting the requested investigation of tariffed termination provisions and will submit our findings and recommendations in early January. Further, at the request of the Authority, we will be prepared to testify publicly to our findings should a hearing be required.

Due to our involvement in this investigation, we cannot serve as advisors relative to this matter. This memo will serve as notice to the Authority of the "Chinese Wall" separating the investigative team from the rest of the Staff for purposes of any potential proceeding.

c: Glynn Blanton, Richard Collier, Mike Horne, Chris Klein, Eddie Roberson, Joe Shirley, Darlene Standley, Telecom Division

¹ Docket 98-00559, *In Re: Proceeding for the purpose of Addressing Competitive Effects of Contract Service Arrangements Filed by BellSouth Telecommunications, Inc. in Tennessee*, Fourth Report and Recommendation of Pre-Hearing Officer, July 8, 1999, pp. 18-19.

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